

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

UNITED STATES OF AMERICA

v.

ROBERT O'ROURKE

No. 17 CR 495

Hon. Andrea R. Wood

GOVERNMENT'S MOTION TO CONTINUE SENTENCING HEARING

The UNITED STATES OF AMERICA, by JOHN R. LAUSCH, JR., United States Attorney for the Northern District of Illinois, respectfully moves to continue the sentencing hearing in this matter:

1. On or about February 25, 2019, a jury returned a verdict convicting defendant of seven counts of theft of trade secrets. Dkt. No. 112. On that day, the Court set the sentencing hearing for June 3, 2019. *Id.*

2. On or about April 3, 2019, on the Court's on motion, the sentencing hearing was continued to June 28, 2019. Dkt. No. 126.

3. On or about April 4, 2019, the Court set a briefing schedule on defendant's post-trial motions (Dkts. 123, 125), and set a status on that motion for the same day as the sentencing, June 28, 2019. Dkt. No. 127.

4. The government has been working with the victim company to calculate the loss attributable to defendant's crime, which analysis is impacted by the evidence presented at trial and the jury's verdict. The government also intends to work with counsel for defendant in an attempt to resolve any significant disputes regarding the loss calculation. As a result of these efforts, and in light of some unforeseen

scheduling challenges, the government is not yet in a position to submit a loss calculation to the Probation Office in order to calculate the Sentencing Guidelines.

5. Because post-trial motions must be resolved before the Court issues a sentence, a continuance of the sentencing hearing may also inure to the benefit of the Court in light of the current briefing schedule for the post-trial motions. *See, e.g., United States v. Rosby*, 454 F.3d 670, 675 (7th Cir. 2006) (a district judge lacks authority to retain control of a criminal case for more than seven days after imposing sentence, thus any pre-sentencing motions must be resolved at or before sentence is imposed).

6. Counsel for defendant indicated that defendant takes no position on this motion.

WHEREFORE, for the reasons stated herein the government respectfully requests the sentencing hearing be continued to a date amenable by the Court and the parties.

Dated: April 23, 2019

Respectfully submitted,

JOHN R. LAUSCH, JR.
United States Attorney

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